*THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

+Taken Up Writ Petition No.26129 of 2006

% 31-01-2007

T.Sarojamma, W/o.V.Tirupathaiah, H.No.87-1351-1-2,
Saraswathi Nagar, Near Nandyal Check Post,
Kurnool-518 004

.....Petitioner

Vs.

$ 1. The Station House Officer,
Kurnool II Town Police Station, Kurnool
2. The Circle Inspector of Police,
Kurnool C.C.S. Police, Kurnool
3. The Superintendent of Police,
Kurnool District at Kurnool

.....Respondents

! Counsel for the Petitioner: ---

^Counsel for the Respondents: Addl. GP for Home, representing the
Advocate-General

< Gist :

> Head Note:

? Cases referred: Nil.

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

Taken Up Writ Petition No.26129 of 2006

Dated: 31st January, 2007.

Between:

T.Sarojamma, W/o.V.Tirupathaiah, H.No.87-1351-1-2, Saraswathi Nagar, Near Nandyal Check Post, Kurnool-518 004

... Petitioner

and

1. The Station House Officer, Kurnool II Town Police Station,
Kurnool and two others

... Respondents

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

Taken Up Writ Petition No.26129 of 2006

Oral Order: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Heard the learned Additional Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This is a Taken Up Writ Petition basing on a letter, dated
06-12-2006, sent through fax by the petitioner to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad alleging that on 03-12-2006 at midnight one D.Bhaskar, Sub Inspector of Police, Central Crime Station, Kurnool along with one Siva Shankar Reddy, Circle Inspector of Police, Central Crime Station, Kurnool; Lakshmaiah, Head Constable;

Viswanatha Reddy and Sharif, Constables came in a jeep and gained entry into the house on the ground that they came to arrest the husband of the petitioner, by name Tirupathaiah. Since all those people were known to the petitioner and her sister, the door was opened and all the Police people allegedly came inside and threatened the petitioner and forced her to handover her husband to their custody, who is an accused in Crime No.175 of 2006 of II Town Police Station, Kurnool. Inspite of her begging and protest, the said Police officials had a search and found the husband of the petitioner inside the bedroom and took him away forcibly in the jeep after beating him. Therefore, the petitioner has been apprehending danger to the life of her husband and she further apprehends that he might have been even killed.

3. In response to the notices issued by this Court, Mr. M.Siva Shankara Reddy, Circle Inspector of Police, Central Crime Station, Kurnool, who is the second respondent herein, filed a counter-affidavit to negate various averments made in the complaint.

4. He stated in the counter-affidavit that unless and until there is a specific direction by the Superintendent of Police, Kurnool, the Central Crime Station, Kurnool will not involve in investigating process of any other police stations. Therefore, there was absolutely no need for the officials of Central Crime Station, Kurnool to interfere with the investigation in connection with Crime No.175 of 2006 of II Town Police Station, Kurnool pending against the husband of the petitioner.

5. He further gave a categorical account of all the cases registered against the husband of the petitioner, who is an accused in all these cases. It appears that some of the cases against the husband of the petitioner have already been ended in acquittal,

that still some of the cases appear to have been pending against him and in some of the cases he was also convicted. A K.D. Sheet (Known Depredator) also has been opened against the said accused, as could be seen from the counter-affidavit and also the related documents.

6. It is the specific averment in the counter-affidavit that the accused/alleged detenu has been involved in various theft cases, being himself a Police Constable. He was involved in several cheating cases. A detailed account of which have already been given, both in the counter-affidavit and additional counter-affidavit.

7. We feel it not necessary to look into all those details or the alleged criminal record against the accused/alleged detenu.

8. Further, it is the specific grievance of the petitioner that her husband was branded as a cheat and the same was displayed in a T.V. Channel (TV 9) under the programme 'Crime Watch.'

9. The petitioner, who was present on earlier occasions before this Court, personally made vociferous allegations against the said telecasting about her husband. It was also her contention that in the said telecasting, her husband was stated to have been arrested by the Police.

10. But, having regard to the counter-affidavit and additional counter-affidavit filed by the Circle Inspector of Police, Central Crime Station, Kurnool, second respondent herein, we directed the learned Additional Government Pleader for Home, representing the learned Advocate General, appearing for the respondents, to secure the 'Compact Disc' relating to the above said TV 9 programme in order to verify whether the specific averment of the petitioner that the husband of the petitioner was stated to have

been arrested or not ? Accordingly, the said 'Compact Disc' has been displayed before this Court and we have watched the said 'Compact Disc' in the chambers.

11. From the said display, three things are obvious – *firstly* it was a statement of the commentator of that programme that the Police have been searching for the accused, who was a Police Constable by himself; *secondly* that several incidents of theft against the alleged detenu have been narrated in detail by the commentator; and *thirdly* that the statement of one of the victims was also telecasted.

12. It is further stated by the commentator that the accused was involved in Crime Nos.187 and 190 of 1987 of Vijayanagaram
I Town Police Station for the offence punishable under Section 380 I.P.C; *Nextly*, the commentator stated that the Police were not able to investigate into this matter because of the false complaints made by the wife of the accused; and *lastly* that the accused was a former Police Constable.

13. The over all feeling after watching the said programme that possibly would be created in the minds of the viewers is to the effect that a Police Officer himself became habitual offender and was involved in various offences including cheating, theft, fake currency etc., and such offences have to be viewed seriously.

14. Except the above, there is nothing else conspicuous stated in the said programme by the commentators.

15. Furthermore, it is the case of the Police that when the photographs of various other accused, who are involved in various other offences, in which the alleged detenue also was involved, were displayed in various news magazines, there cannot be any

discernible need for the police to conceal the factum of arrest of this particular accused/alleged detenue.

16. It is further to be seen that in the said TV 9 programme, the commentator observed that the Police are very much afraid of taking serious steps to apprehend the said alleged detenu because of the private complaints lodged by the wife of the accused/alleged detenu against the Police officials.

17. It is not in dispute that the petitioner had lodged a private complaint earlier before the Judicial Magistrate of First Class, Kurnool, alleging that the Police had taken away cash, gold, ornaments, cell phone and one Ambassador car, which was numbered as C.C.640 of 2006. This fact supports the contention of the respondents.

18. Now, it is to be examined -- what is the nature of the said complaint made against the Police by the petitioner ?

19. Along with the additional counter-affidavit, some material also had been supplied to this Court. The petitioner undisputedly has been working as a Conductor in Andhra Pradesh State Road Transport Corporation, Depot-2, Kurnool. On 01-12-2006, she made an application for leave on the ground that her husband met with an accident and therefore she wanted leave on 03-12-2006.

20. On the other hand, in the letter, dated 06-12-2006, addressed to the Hon'ble the Chief Justice, the petitioner stated that she was suffering from 'heart ailment' and fever since two days prior to the alleged forcible detention of her husband. This itself shows that she has no regard to truth.

21. However, we are making it clear that the above observations/comments are only basing on the

record made available to this Court. These observations shall not influence the Police in any proceedings and an independent investigation has to be conducted and all necessary steps are to be taken to apprehend the accused/ alleged detenu, who is the husband of the petitioner.

22. The learned Additional Government Pleader for Home, representing the learned Advocate General, appearing for the respondents vehemently contended that in Crime No.175 of 2006 of II Town Police Station, Kurnool, the co-accused made a confessional statement in the month of August, 2006 branded in the recoveries of stolen property under Section 27 of the Indian Evidence Act, 1872. The said statement also had been made part of the record, wherein it has been stated by the co-accused that the alleged detenu/accused, who is the husband of the petitioner, involved in many cases and all of them used to give share to him for his advices. We are not prepared to make any comment on this aspect.

23. However, having regard to the facts and circumstances, since it is made clear that the alleged detenu is required in other offences, particularly in Crime No.175 of 2006 of II Town Police Station, Kurnool, there is any amount of imperative need for the Police to apprehend him, and as and when such apprehension of the alleged detenu/accused is made, the petitioner is to be duly informed about the same.

24. The Superintendent of Police, Kurnool shall personally supervise into the entire matter and inform the Registrar (Judicial), High Court of Andhra Pradesh, Hyderabad as and when the alleged detenu is apprehended.

25. With the above observations, the Taken Up Writ Petition is dismissed, at the stage of admission.

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D.S.R.VARMA, J

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P.LAKSHMANA REDDY, J

31st January, 2007.
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